

## Message Text

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PAGE 01 BUENOS 01094 101754Z

ACTION ARA-10

INFO OCT-01 ISO-00 DHA-02 ORM-02 IO-13 CIAE-00 INR-07  
NSAE-00 PRS-01 L-03 SCA-01 DODE-00 PM-04 H-01 NSC-05  
PA-01 SP-02 SS-15 USIA-06 ACDA-07 MCT-01 SCS-03 A-01  
OC-06 CCO-00 OMB-01 OPR-02 SY-05 USSS-00 FBO-02 /102 W  
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R 101203Z FEB 77

FM AMEMBASSY BUENOS AIRES

TO SECSTATE WASHDC 9022

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E.O. 11652: NA

TAGS: SHUM, PINS, AR

SUBJECT: HUMAN RIGHTS ROUND-UP NO. 10

1. A TELEGRAM FROM 12 FOREIGN POLITICAL LEADERS TO UN SECRETARY GENERAL REQUESTING A UN HUMAN RIGHTS COMMISSION STUDY INTO ALLEGED HUMAN RIGHTS VIOLATIONS IN ARGENTINA WAS CAUTIOUSLY REPORTED IN THE LOCAL PRESS FEB 8. LA OPINION, WHILE FIRMLY REJECTING THE RIGHT OF FOREIGN GOVERNMENTS AND INTERNATIONAL GROUPS TO PRESSURE ARGENTINA ON ITS INTERNAL AFFAIRS, NEVERTHELESS REMARKED THAT THE REPETITION OF SUCH ACCUSATIONS MAKES IT IMPERATIVE THAT GOA REDOUBLE ITS EFFORTS TO ASCERTAIN THAT NONE OF ITS ACTIONS CONTRIBUTE TO THE INTERNATIONAL CAMPAIGNS TO DEFAME THE COUNTRY'S IMAGE. THE PAPER CALLED ON THE ARGENTINE GOVT TO DEMAND, THROUGH ITS EMBASSIES ABROAD, AN EXPLANATION OF THE CHARGES FROM THOSE WHO SIGNED THE TELEGRAM AND TO TAKE FIRM ACTION IN DEFENDING THE COUNTRY'S POSITION WHEN ATTACKED IN INTERNATIONAL FORUM. GOA HAS MADE NO STATEMENT REGARDING THE TELEGRAM OR THE ACCUSATIONS SO FAR.

2. THE SUPREME COURT HAS ORDERED THE EXECUTIVE BRANCH TO ANSWER STATE OF SIEGE DETAINEE MIRTA CHRISTINA ATENCIA'S REQUEST TO LEAVE THE COUNTRY OR BE SET FREE WITHIN 20 DAYS. IN THE RULING, THE SUPREME COURT DECLARED THAT LAWS PASSED BY THE

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PAGE 02 BUENOS 01094 101754Z

PRESENT MILITARY GOVERNMENT IN NOVEMBER TEMPORARILY SUSPENDING THE CONSTITUTIONAL RIGHT OF OPTION TO LEAVE THE COUNTRY COULD NOT BE APPLIED RETROACTIVELY, NOR COULD THE EXECUTIVE BRANCH ASSUME JUDICIAL POWERS OR INTERVENE TO CHANGE THE OUTCOME OF CASES UNDER JUDICIAL REVIEW AS STIPULATED IN ARTICLE 95 OF THE CONSTITUTION. ATENCIA WAS ARRESTED IN NOVEMBER 1975 AND APPEALED FOR HER RIGHT TO LEAVE THE COUNTRY IN JANUARY 1976.

(THE MILITARY JUNTA ORIGINALLY SUSPENDED THE CONSTITUTIONAL RIGHT IN MARCH AND LATER EXTENDED IT FORMALLY FOR 180 DAYS IN TWO DECREE LAWS PUBLISHED ON NOVEMBER 2, 1976. THE SUPREME COURT NOW HOLDS THAT PETITIONS PENDING BEFORE THE LAW WENT INTO EFFECT ARE NOT SUBJECT TO THE SUSPENSION DECREE-LAW.) THE DECISION ONCE AGAIN THROWS INTO CONFUSION THE WHOLE QUESTION OF THE CONSTITUTIONAL RIGHT OF OPTION. ON NOVEMBER 16, 1976 THE SUPREME COURT REJECTED AN APPEAL BY MARIA CRISTINA ERCOLI TO EXERCISE HER OPTION TO LEAVE, RULING THAT THE SUSPENSION LAW WAS VALID AND UPHOLDING THE GOVT'S RIGHT TO PREVENT PERSONS FROM OPTING TO LEAVE THE COUNTRY WHO MIGHT EVENTUALLY RETURN CLANDESTINELY. SINCE ERCOLI'S ORIGINAL PETITION WAS APPROVED BY A LOWER COURT BEFORE THE NOV 2 LAW WENT INTO EFFECT, IT WOULD APPEAR THAT THE LATEST DECISION COUNTERMANDS THE FIRST AND WOULD MAKE HER ELIGIBLE TO OPT TO LEAVE THE COUNTRY.

3. LA OPINION (JAN 8) POINTED OUT THE DISCREPANCY AND RECOMMENDED THAT THE SUPREME COURT FULLY REVIEW THE WHOLE MATTER ONCE AGAIN IN LIGHT OF ITS "NEW PERSPECTIVE" AND ITS LATEST DECISION TO REVIEW CASES PENDING BEFORE THE NOVEMBER SUSPENSION LAW.

4. GOA BANNED ALL ACTIVITIES AND PUBLICATIONS OF THE DIVINE LIGHT MISSION AND HARE KIRSHNA SECT IN MID-JANUARY. THE DECREE STATED THAT FREEDOM OF RELIGION AS GUARANTEED BY THE NATIONAL CONSTITUTION IS LIMITED IN THAT RELIGIOUS IDEAS MUST NOT GO AGAINST NATIONAL SECURITY, MORAL STANDARDS AND PUBLIC AND SOCIAL ORDER. THE BA HERALD (JAN 27) CALLED THE BAN "UNFORTUNATE AND DISTURBING" AND NOTED THAT THE DECREE DID NOT LIMITED OFFICIAL USE

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PAGE 03 BUENOS 01094 101754Z

SHOW HOW EITHER GROUP HAD ACTED CONTRARY TO ARGENTINE LAW, MORALS OR NATIONAL SECURITY. AUTHORITIES SUBSEQUENTLY ARRESTED FIVE HARE KRISHNA FOLLOWERS IN BUENOS AIRES AND 29 PERSONS OF THE DIVINE LIGHT MISSION IN MENDOZA. IT IS NOT KNOWN WHETHER THEY WERE SUBSEQUENTLY RELEASED.

5. A SPECIAL COURT MARTIAL IN PARANA SENTENCED 42 MONTONEROS TO PRISON TERMS RANGING FROM THREE TO 24 YEARS AND ACQUITTED SEVEN OTHER PERSONS. IN ITS FIRST SUBVERSIVE CASE SINCE 1973, A SANTA FE FEDERAL COURT SENTENCED THREE PERSONS TO 3 YEARS FOR POSSESSION OF ARMS AND SUBVERSIVE MATERIALS AND ONE TO 3 YEARS FOR PAINTING SUBVERSIVE SLOGANS ON WALLS. THE FIRST THREE WERE ARRESTED IN APRIL 1975. THE COURT ALSO ACQUITTED AND RELEASED THREE PERSONS FOR LACK OF EVIDENCE.

6. 116 EXTREMISTS WERE REPORTED KILLED BY SECURITY FORCES IN THE MONTH OF JANUARY, MOST OF THEM ALLEGEDLY IN "RAIDS" AND IN "CONFRONTATIONS AT ROADBLOCKS," IDENTIFICATION CHECKS OR "WHILE PAINTING SUBVERSIVE SLOGANS ON WALLS" (THE LAST BEING THE MOST

UNLIKELY OF ALL). AMONG THE TERRORISTS KILLED SINCE JANUARY 1, TWO HAVE BEEN IDENTIFIED AS HAVING PARTICIPATED IN THE MURDER OF US CONSULAR AGENT JOHN EGAN IN 1974. THEY WERE MONTONEROS JORGE LUIS PIOTTI KILLED IN SANTA FE JAN 22 AND JORGE VICTOR BIEL ON FEB 6. DURING THE SAME PERIOD SEVEN POLICEMEN AND FIVE CIVILIAN BYSTANDERS WERE KILLED, AND 15 PERSONS WERE INJURED BY EXTREMIST ACTIONS IN A NUMBER OF SEPARATE INCIDENTS. THE MOST SERIOUS ATTACK WAS THE BOMBING OF A POLICE STATION IN CIUDADELA, BA PROVINCE ON JAN 28 IN WHICH THREE POLICEMEN DIED AND TEN PERSONS WERE INJURED. THE SUSPECT, A SOCIOLOGY STUDENT, IS STILL AT LARGE. IN THE DAYS IMMEDIATELY AFTER THE BOMBING, BODIES TURNED UP ALL OVER CIUDADELA (A TOTAL OF 14) ALLEGEDLY HAVING BEEN KILLED IN CONFRONTATIONS WITH POLICE. MANY OBSERVERS ARE CONVINCED, HOWEVER, THAT THE BODIES WERE THOSE OF PRISONERS KILLED IN RETALIATION FOR THE BOMBING.

7. ON JAN 24 A TERRORIST THREW A GRENADE IN THE CONSTITUTION LIMITED OFFICIAL USE

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PAGE 04 BUENOS 01094 101754Z

TRAIN STATION IN DOWNTOWN BUENOS AIRES WHILE ATTEMPTING TO FLEE POLICE, KILLING A WOMAN AND INJURING THREE PERSONS. THE EXTREMIST WAS LATER ARRESTED. ELSEWHERE A NUMBER OF PRIVATE HOMES AND FACTORIES WERE BOMBED, INCLUDING THAT OF THE MAYOR OF SAN ISIDRO (WHO DAUGHTER WAS INJURED IN THE BLAST) ON JAN 21, AND OF A KAISER CORP. DEPARTMENT CHIEF IN LA PLATA ON FEB 7. THE LIGHT AND POWER COMPANY SEGBA, WHICH IS HAVING LABOR CONFLICTS WITH THE GOVT, HAS HAD SEVERAL BOMBINGS IN ITS OFFICES AND PLANTS IN RECENT WEEKS.

8. THE ARGENTINE ACTORS ASSOCIATION SENT TELEGRAMS ON FEB 1 TO A NUMBER OF GOVERNMENT OFFICIALS REQUESTING AN INVESTIGATION INTO THE CONTINUING DISAPPEARANCE OF FOUR OF ITS MEMBERS: POLO CORTEZ, SILVIA SHELBY, RUBEN BRAVO AND GREGORIO NACHMAN.

9. THE INTERIOR MINISTRY CONTINUES RELEASING WEEKLY LISTS OF PERSONS WHO HAVE BEEN RELEASED BY THE EXECUTIVE AND OTHERS WHO WERE DETAINED UNDER EXECUTIVE DECREE. THE JAN 21 LIST INCLUDED THE NAMES OF SIX ARGENTINES WHOSE REQUESTS TO LEAVE THE COUNTRY (SUBMITTED BEFORE THE MARCH 24 TAKEOVER) WERE APPROVED BY GOA. IT IS NOT KNOWN WHETHER ANY OF THE SIX HAS SINCE DEPARTED ARGENTINA NOR HOW MANY OTHERS HAVE ACTUALLY BEEN RELEASED FROM GOVT CUSTODY. OTHER FOREIGN DIPLOMATS IN ARGENTINA HAVE TOLD EMBASSIES THAT THEY ARE AWARE OF SOME BUT NOT MANY PERSONS WHO HAVE ACTUALLY BEEN FREED ONCE THEIR NAMES APPEARED ON THE LISTS. NONE OF THE US INTEREST CASES HAVE APPEARED ON THE RECENT LISTS WHICH EMBASSY HAS POUCHED TO ARA/ECA.  
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